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RUEHVEN/USMISSION USOSCE PRIORITY 2556
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SUBJECT: TURKMENISTAN'S CONSTITUTIONAL COMMISSION UNVEILS
KEY PROPOSALS UNDER CONSIDERATION

¶1. (U) Sensitive but unclassified. Not for public internet.

¶2. (SBU) SUMMARY: On May 22, President Berdimuhamedov delivered a speech, then sat in on a televised constitutional commission meeting where some 10-12 proposals for revision were publicly unveiled for the first time since the process of constitutional revision began. Although the state-controlled media reported the week of May 19 that the Mejlis had received over 400 proposals, no further information had been provided on them. Coverage of the May 22 meeting provided a window into the main areas for change that are under consideration, including substantial enhancement of the parliament's powers, clarification of the president's authority, and some independence for the judiciary. Berdimuhamedov asked commission members to focus also on provisions that would help improve socio-economic conditions for citizens as well. The commission appears to be well on its way to meeting the July 1 goal. END SUMMARY.

PRESIDENT DESCRIBES HIS DREAM FOR CONSTITUTIONAL CHANGE

¶3. (U) President Berdimuhamedov opened a meeting of the government's Constitutional Commission on May 22, which was covered extensively on both television and in the government daily, "Neytralniy Turkmenistan," the next day. His televised speech focused on his front burner priorities for the commission to consider as its work got underway. The speech focused on changes to the function of the state as well as measures to improve socio-economic conditions for citizens. He emphasized the new constitution's role in promoting change, stating "The new constitution will represent the factual end of a transitional period in Turkmenistan from a Soviet social structure to a democratic one."

¶4. (U) He said the new version of the constitution should conform to all agreements and international conventions to which Turkmenistan is a party. He also suggested that the Mejlis (parliament) be given "delaying veto" power regarding the ratification of international treaties and acts signed by the president. (COMMENT: A "delaying veto" appears to be one that slows down the process for further consideration or clarification, but does not kill or veto the bill. END

COMMENT.) The document should also ensure that all natural resources in the country belong to the state and are fully under its legal jurisdiction. The president also stated that in the event of "extraordinary emergencies," the State Security Council, with the president at its head, be activated and provided with legal powers. He also suggested that Halk Maslahatys (People's Councils) at the provincial level should be eliminated.

15. (SBU) Berdimuhamedov spoke at length about the commission's responsibility to ensure that the revision contains appropriate provisions that will guarantee all citizens modern housing, health care, and education, including compulsory secondary schooling. He recommended that provisions be included that will foster entrepreneurship and the development of small and medium-sized businesses, with 70% of the labor force engaged in that sector. He also acknowledged a role for civil society organizations in implementing both democratic and socio-economic reforms that improve citizens' living conditions. (NOTE: A definition of "civil society organization" was not provided, but most likely refers to government-sponsored organizations. END NOTE.)

COMMISSION MEMBERS APPEAR TO RESPOND

16. (U) Commission members, including Speaker of Parliament Nurberdiyeva, Institute for Democracy and Human Rights Director Akhmedova, and Institute for State and Law Director Zakhirov, rose during the meeting and identified key proposal areas. They recommended that the national Halk Maslahaty

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(the 2,500-member rubber-stamp Peoples Council) be abolished and all lawmaking and other powers transferred to the Parliament. The Parliament would have important legislative powers, including adopting or altering the constitution or constitutional laws, control over presidential elections, changing state boundaries, and consideration of international treaties or alliances. The number of Parliament deputies would increase from 65 to 125. The Peoples Council (Halk Maslahaty) would then become a much smaller, purely consultative "Elders Council."

17. (SBU) Regarding presidential authority, a proposal was made to increase the president's term in office from five to seven years, to provide more time to implement reforms. (NOTE: There was no discussion of number of terms. END NOTE.) Other proposals would authorize the president to conduct national referenda (in coordination with the Parliament), and control over the structure and composition of the Central Election Commission. He would be authorized to set Parliamentary elections, as well as the elections of provincial, district, or city People's Councils and rural councils. He would also maintain the right to appoint governors and mayors.

18. (U) The Justice Minister, Murat Garryev, also identified several proposals relating to the judiciary. The first would make it illegal for the state to confiscate property without compensation, unless the property had been illegally acquired. The second proposal suggested that the Supreme Court, not the Peoples Council, bear responsibility for determining a life sentence, in conformance with the criminal code. The final proposal was to reduce the presidential power to appoint all prosecutors, and limit presidential appointments to the Prosecutor General, the Deputy Prosecutor General, and provincial prosecutors (including for Ashgabat). Prosecutors appointed by the president would serve five-year terms. Under this proposal, all other prosecutors in Turkmenistan would be overseen by the Prosecutor General.

19. (SBU) OSCE Human Dimension Officer Benjamin Moreau said the proposals the commission discussed seem to be a step in the right direction, but he expressed concern that there was little information regarding how power between the executive,

legislative, and judicial branches would be balanced, despite the proposal of changes that would redistribute power. He also expressed disappointment that the appointment of judges was not discussed, given its key role regarding the independence of a judiciary.

¶10. (SBU) COMMENT: The full extent of the revisions under consideration is unclear at this point. However, the president's comments about constitutional reforms that should support broad socio-economic reform suggest there is a multitude of additional areas that are being considered for revision, but we have yet to get a look into that process. Nonetheless, it appears the process is quickly moving forward, and the government appears poised to meet the July 1 deadline for the constitutional commission to complete a final draft for the Parliament to consider. END COMMENT.
HOAGLAND